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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/346,719 | 07/02/1999 | ANA GABRIELA ANAYA | 09857/018001 | 2808 |

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EXAMINER

BASHORE, ALAIN L

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| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/346,719

Applicant(s)

ANAYA ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2002 and 14 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 19-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 19-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 42, the claim recites fields that are not interrelated as part of a method.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 43 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 43 recites merely a data structure that is considered nonfunctional descriptive material. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not

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capable of causing functional change in the computer (see Warmerdam, 33F.3d at 1361, 31 USPQ2d at 1760; see also MPEP 2106 part IV).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-17, 19-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of (Zusman et al and Kampe et al) in further view of Lange.

Wilson In view of (Zusman et al and Kampe et al) disclose what is set forth in the previous office action.

Wilson in view of (Zusman et al and Kampe et al) does not explicitly disclose:

feed lines providing quote information, market participant information, and timing information.

Lange discloses feed lines providing quote information (col 100, lines 1-2), market participant information (261; col 3, lines 27-31), and timing information (col 100, lines 5-6).

It would have been obvious to one with ordinary skill in the art to include to Wilson in view of (Zusman et al and Kampe et al) feed lines providing quote information, market participant information, and timing information because of what is taught by Lange.

Wilson discloses NQDS messages, timing data (as would have been obvious to one with ordinary skill in the art), and translation into a common format (as inherent – i.e. protocols are a type of format; and as would have been obvious to one with ordinary skill in the art) as set forth in the 9-17-01 office action.

Wilson in view of (Zusman et al and Kampe et al) does not further disclose:

receiving in an object or activation objects to perform functions – i.e. the use of object oriented language.

Lange discloses the use of object oriented language (col 90, lines 35-67).

It would have been obvious to one with ordinary skill in the art to include: the NQDS message in a receiver object, activating a timing object, activating a translator object, and using an object format as the common format, all because of what is taught by Lange. Lange teaches as common for servers that receive market data to utilize object oriented techniques (col 90 , lines 42-44).

Wilson does not further explicitly disclose:

NQDS time extracted from the NQDS message;
a stamp for a receipt time at the receiver object; and
time comparison of messages.

Zusman et al discloses a time stamp (col 9, line 8) for input messages, and time comparison of blocks of messages (col 9, lines 19-22).

It would have been obvious to one with ordinary skill in the art to extract NQDS time from the NQDS message because Zusman et al teaches that messages are time dependant that require certain further processing (i.e dumped after 24-hours) after a particular period has passed (col 9, lines 13-67).

It would have been obvious to one with ordinary skill in the art to include a stamp for a receipt time to Wilson because Zusman et al teaches that a stamp is a conventional header for input messages (col 9, lines 8-9).

It would have been obvious to one with ordinary skill in the art to include time comparisons because Zusman teaches correction by requesting re-submission if data included with the message is inconsistent with protocol (col 9, lines 22-34).

Wilson in view of (Zusman et al and Kampe et al) in further view of Lange discloses providing: time stamp, message time, market session data, line, feed, feed sequence number, message type, and original identification.

Wilson (Zusman et al and Kampe et al) does not explicitly disclose each of the above provided as described: fields within a market event object format.

It would have been obvious to one with ordinary skill in the art to include fields for each of the above provided within fields within a market event object format because Kampe et al; describes messages as inherently having information within fields (col 5, line 13), and that fields for object oriented language manipulation is known per se.

7. Claim 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of (Zusman et al and Kampe et al) in further view of Eustis et al.

Wilson in view of (Zusman et al and Kampe et al) describes what is set forth in the previous rejection of the present office action.

As an alternative rejection, there is not explicitly disclosed translation of the NQDS message into a common format.

Eustis et al discloses translation into common format of information (col 15, lines 40-61).

It would have been obvious to one with ordinary skill in the art to translate NQDS messages into a common format to Wilson in view of (Zusman et al and Kampe et al) because Eustis et al teaches translations for the purposes of achieving a common display of information (col 15, lines 44-45).

Response to Arguments

8. Applicant's arguments with respect to claim of record have been considered but are moot in view of the new ground(s) of rejection. Lupien et al and Risberg et al disclose data feed lines; Funk et al discloses timing procedures; Fulp et al discloses network procedures; Skeen et al discloses communication procedures.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

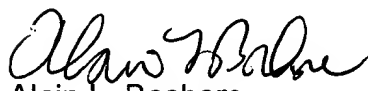
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
January 16, 2003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600